

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 268

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO IGNITION INTERLOCK DEVICES; REVISING PROCEDURES FOR
COLLECTION OF FEES FOR THE INTERLOCK DEVICE FUND; LIMITING
ADMINISTRATIVE COSTS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-102.3 NMSA 1978 (being Laws 2002,
Chapter 82, Section 2, as amended) is amended to read:

"66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

A. A fee is imposed on ~~[all persons who provide
ignition interlock devices to]~~ a person convicted of driving
while under the influence of intoxicating liquor or drugs
pursuant to Section 66-8-102 NMSA 1978 or a person whose
driver's license is revoked pursuant to the provisions of the
Implied Consent Act, in the amount of ~~[ten percent of the
amount charged to lease, install, service and remove each~~

. 155989. 1

underscored material = new
[bracketed material] = delete

1 ~~ignition interlock device for a person convicted pursuant to~~
2 ~~Section 66-8-102 NMSA 1978 or whose driver's license is revoked~~
3 ~~pursuant to the provisions of the Implied Consent Act and shall~~
4 ~~be paid monthly to the local government division of the~~
5 ~~department of finance and administration.] twenty dollars~~
6 ~~(\$20.00) for each year the person is required to operate only~~
7 ~~vehicles equipped with an ignition interlock device, to be~~
8 ~~collected by the vendor who provides an ignition interlock~~
9 ~~device to the person. The vendor shall remit all fees~~
10 ~~collected on a monthly basis to the local government division~~
11 ~~of the department of finance and administration.~~

12 B. The "interlock device fund" is created in the
13 state treasury. The fee imposed pursuant to Subsection A of
14 this section shall be distributed to the fund by the local
15 government division of the department of finance and
16 administration.

17 C. All money in the interlock device fund is
18 appropriated to the local government division of the department
19 of finance and administration to cover the costs of installing
20 and removing and one-third of the cost of leasing [for the
21 ~~initial four months and removing~~] ignition interlock devices
22 for indigent people who are required, pursuant to convictions
23 under Section 66-8-102 NMSA 1978 or driver's license
24 revocations pursuant to the provisions of the Implied Consent
25 Act, to install those devices in their vehicles. Indigency

1 shall be determined by the sentencing court.

2 D. Any balance remaining in the interlock device
3 fund shall not revert to the general fund at the end of any
4 fiscal year.

5 E. The interlock device fund shall be administered
6 by the local government division of the department of finance
7 and administration. No more than five percent of the money in
8 the interlock device fund in any fiscal year shall be expended
9 by the local government division of the department of finance
10 and administration for the purpose of administering the fund."

11 Section 2. EMERGENCY.--It is necessary for the public
12 peace, health and safety that this act take effect immediately.